

1 PILLSBURY WINTHROP SHAW PITTMAN LLP
ROBERT C. PHELPS 106666
2 robert.phelps@pillsburylaw.com
50 Fremont Street
3 Post Office Box 7880
San Francisco, CA 94120-7880
4 Telephone: (415) 983-1000
Facsimile: (415) 983-1200
5
6 Attorneys for Plaintiff
CHEVRON U.S.A. INC.

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION

11
12 CHEVRON U.S.A. INC.,

13 Plaintiff,

14 vs.

15 SSD & ASSOCIATES,

16 Defendant.
17

No. C 05-03276 WHA

STIPULATION AND ~~PROPOSED~~
ORDER FOR RELEASE OF APPEAL
BOND

18
19 Plaintiff CHEVRON U.S.A. INC. and defendant SSD & ASSOCIATES, through
20 their respective counsel, hereby stipulate and request that the Court order the release and
21 return of the appeal bond previously posted by defendant SSD & Associates, for the reasons
22 set forth below.

23 Whereas judgment in this matter was entered in favor of plaintiff Chevron U.S.A.
24 Inc. on or about September 28, 2006 (Dkt. No. 113); and

25 Whereas the Court, on November 9, 2006, stayed enforcement of the judgment
26 pending SSD & Associates' appeal of the judgment to the Ninth Circuit Court of Appeals
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28

1 and conditioned the stay on SSD & Associates' posting of a bond in the amount of
2 \$100,000 (Dkt. No. 141); and

3 Whereas SSD & Associates timely posted the required bond (Dkt. No. 147); and

4 Whereas the parties to this action have since settled all disputes arising out of this
5 action and SSD & Associates has dismissed its appeal (Dkt. No. 161); and

6 Whereas plaintiff Chevron U.S.A. Inc. claims no further interest in the bond or its
7 proceeds and both parties to this action agree that the bond should be released forthwith;

8 Now, therefore, the parties hereby stipulate and request that the Court order that the
9 bond be exonerated, and direct the Clerk of Court to release the bond forthwith and deliver
10 it to SSD & Associates or its authorized representative.

1 Dated: February 21, 2008.

2 PILLSBURY WINTHROP SHAW PITTMAN LLP
3 ROBERT C. PHELPS
4 50 Fremont Street
Post Office Box 7880
San Francisco, CA 94120-7880

5
6 By /s/Robert C. Phelps
Robert C. Phelps

7 Attorneys for Plaintiff
8 CHEVRON U.S.A. INC.

9
10 Dated: February __, 2008.

11 PEREZ & MILLER
12 A Professional Corporation
Richard L. Perez
13 3730 Mt. Diablo Boulevard
Suite 335
Lafayette, CA 94549

14
15 By _____
Richard L. Perez

16 Attorneys for Defendant
17 SSD & ASSOCIATES

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1 Dated: February , 2008.

2 PILLSBURY WINTHROP SHAW PITTMAN LLP
3 ROBERT C. PHELPS
4 50 Fremont Street
5 Post Office Box 7880
6 San Francisco, CA 94120-7880

7 By _____
8 Robert C. Phelps

9 Attorneys for Plaintiff
10 CHEVRON U.S.A. INC.

11 Dated: February 19, 2008.

12 PEREZ & MILLER
13 A Professional Corporation
14 Richard L. Perez
15 3730 Mt. Diablo Boulevard
16 Suite 335
17 Lafayette, CA 94549

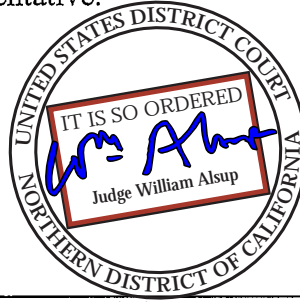
18 By _____
19 Richard L. Perez

20 Attorneys for Defendant
21 SSD & ASSOCIATES

1 ORDER

2 Based upon the representations of counsel herein and good cause appearing, it is
3 hereby ORDERED that the bond previously posted in this matter by Defendant SSD &
4 Associates (Dkt. No. 147) be and hereby is exonerated as of the date of entry of this Order,
5 and that the Clerk of Court is hereby authorized and directed to forthwith release said bond
6 to defendant SSD & Associates or its authorized representative.
7

8 Dated: February 22, 2008.



9
10
11 By _____

Hon. William H. Alsup
United States District Court Judge

PROOF OF SERVICE BY MAIL

I, LARRY J. POLLITT, the undersigned, hereby declare as follows:

1. I am over the age of 18 years and am not a party to the within cause. I am employed by Pillsbury Winthrop Shaw Pittman LLP in the City of San Francisco, California.

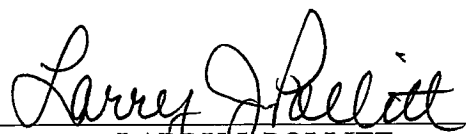
2. My business address is 50 Fremont Street, San Francisco, CA 94105-2228. My mailing address is 50 Fremont Street, P. O. Box 7880, San Francisco, CA 94120-7880.

3. I am familiar with Pillsbury Winthrop Shaw Pittman LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service; in the ordinary course of business, correspondence placed in interoffice mail is deposited with the United States Postal Service with first class postage thereon fully prepaid on the same day it is placed for collection and mailing.

4. On February 21, 2008, at 50 Fremont Street, San Francisco, California, I served a true copy of the attached document titled exactly STIPULATION AND [PROPOSED] ORDER FOR RELEASE OF APPEAL BOND by placing it in an addressed, sealed envelope clearly labeled to identify the person being served at the address shown below and placed in interoffice mail for collection and deposit in the United States Postal Service on that date following ordinary business practices:

Elliot L. Bien, Esq.
Bien & Summers LLP
23 Palomino Road
Novato, CA 94947

I declare under penalty of perjury that the foregoing is true and correct. Executed this 21st day of February, 2008, at San Francisco, California.


LARRY J. POLLITT